

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2018 NOV 28 AM 11:29

CLERK  
BY EH  
DEPUTY CLERK

In Re Subpoena to Daniel McLean in )  
 )  
Jacob R. Kent, *et al.*, v. R.L. Vallee, Inc., *et al.*, )  
Case No. 617-6-15 Cncv )

Case No.

2:18-cv-201

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1442(a) and 1446, non-parties the Office of United States Senator Bernard Sanders and Daniel McLean,<sup>1</sup> an employee of the Senator's office, hereby remove to this Court the state court subpoena (Exh. A, hereto) that was issued on November 9, 2018 by the Superior Court of Vermont commanding the production of testimony and documents by Mr. McLean at a deposition in a pending state court action. The subpoena was issued on behalf of R.L. Vallee, Inc., a defendant in the underlying state court case in which plaintiffs allege that the defendant gas wholesalers and retailers have engaged in price fixing in violation of state law, including the Vermont Consumer Protection Act, 9 V.S.A. § 2453. Throughout the relevant time period specified in the subpoena, Senator Sanders, with the assistance of his employees, including Mr. McLean, exercised his legislative authority to investigate and legislate regarding the conditions affecting the price of gas in Vermont and nationally.

Removal of this subpoena is authorized by 28 U.S.C. § 1442(a), inasmuch as the subpoena commands the production of testimony from Mr. McLean and documents from him and the Senator's office for or relating to acts under color of office, and subpoena respondents

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<sup>1</sup> Undersigned understands that the subpoena was intended to be directed to Daniel McLean of the Senator's office notwithstanding the subpoena's issuance to "David Mclean." This action is removed on behalf of Mr. McLean and the Senator's office because the subpoena seeks the production of nonpublic information from that office.

can raise one or more colorable federal defenses, including sovereign immunity and absolute legislative immunity under the Speech or Debate Clause, art. I, § 6, cl. 1 of the Constitution. *See, e.g., Brown & Williamson Tobacco Corp. v. Williams*, 62 F.3d 408, 414-15 (D.C. Cir. 1995) (Speech or Debate immunity); *Hammer v. U. S. Dep't of Health and Human Servs.*, 905 F.3d 517, 528 (7th Cir. 2018) (sovereign immunity).

Removal is timely because it is filed within 30 days of November 9, 2018, on which Mr. McLean received, through service, notice of the underlying proceeding in which the instant subpoena was issued. *See* 28 U.S.C. §§ 1442(d)(1) & 1446(g).<sup>2</sup>

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<sup>2</sup> The several amendments to Sections 1442 and 1446 in 2011 make “clear that federal agencies and officers will be permitted to remove” a state court subpoena “based on the mere service of a subpoena,” and without regard to the existence of any state court contempt proceedings. 16 James Wm. Moore et al., *Moore's Federal Practice* § 107.100[4][c], at 107-253 and 107-254 (3d ed. 2018); *see also* 14C Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 3726 at 485-86 (4th ed. 2008) (same); *Goncalves By and Through Goncalves v. Rady Childrens' Hospital San Diego*, 865 F.3d 1237, 1249-50 (9th Cir. 2017) (describing same).

Contemporaneous with the filing of this Notice with this Court, a copy of the Notice is being lodged with the Clerk of the Superior Court of Vermont.

Respectfully submitted,

A handwritten signature in black ink, reading "Patricia Mack Bryan", written over a horizontal line.

PATRICIA MACK BRYAN  
Senate Legal Counsel

MORGAN J. FRANKEL  
Deputy Senate Legal Counsel

GRANT R. VINIK  
Assistant Senate Legal Counsel

THOMAS E. CABALLERO  
Assistant Senate Legal Counsel

Dated: November 28, 2018

Attorneys for Office of United States Senator  
Bernard Sanders and Employee Daniel McLean

# EXHIBIT A

Form 501

SUBPOENA  
STATE OF VERMONTSUPERIOR COURT  
CHITTENDEN Unit

Docket No. 617-6-15 Cncv

Plaintiff JACOB R. KENT, ET AL.

Defendant R.L. VALLEE, ET AL.

v.

Type of Case: (Check one):

☐ Criminal ☒ Civil ☐ Small Claims ☐ Domestic Relations ☐ Juvenile ☐ Inquest ☐ Grand Jury ☐ Probate

To: Name and Address of Person David Mclean, Office of Senator Bernard Sanders, 1 Church St., Burlington, VT 05401

You are directed to appear at the: Superior Court:

☒ Civil Division ☐ Criminal Division ☐ Family Division ☐ Probate Division☐ other:

located at:

|   |                                   |                                 |                           |
|---|-----------------------------------|---------------------------------|---------------------------|
| Street Address<br>DOWNS RACHLIN MARTIN<br>199 MAIN STREET<br>P.O. BOX 190 | Town/City<br>BURLINGTON, VT 05402 | Date<br>MONDAY, Dec. 3,<br>2018 | Time<br>9:00 a.m.<br>p.m. |
|---|-----------------------------------|---------------------------------|---------------------------|

for a ☐ trial ☐ hearing ☒ deposition☒ to attend and give testimony☒ to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, documents, or tangible things in your possession, custody or control. SEE ATTACHED "SCHEDULE A".☐ to permit inspection of the premises☐ other: \_\_\_\_\_

Signature: Clerk - Attorney - Notary Public - Magistrate

Date 11/9/18

This subpoena was requested by: ☐ Plaintiff ☐ State's Attorney ☐ Defendant ☐ \_\_\_\_\_

If you have any questions, please contact

Person Requesting Subpoena

TRISTRAM COFFIN, DOWNS RACHLIN MARTIN

at

Telephone Number:

802-863-2375

Please bring a copy of this subpoena to the hearing.

See Important Notice on the Other Side of this Subpoena.

## RETURN OF SERVICE

NOTICE: A Subpoena may be served by any person who is not a party and is not less than 18 years of age.

On  Date of Service:  I served this subpoena upon  Name

by: \_\_\_\_\_

at:  Location: City/Town  Unit

|         |    |
|---------|----|
| Miles   | \$ |
| Reading | \$ |
| Copies  | \$ |
| Total   | \$ |

Signature  Title 

Copy 1 - Court

Copy 2 - Witness

Copy 3 - Officer/Server



## V.R.C.P. 45. SUBPOENA

## (c) Protection of Persons Subject to Subpoenas.

\* \* \* \*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court for which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to the requested production or to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court for which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court for which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders; requires a nonresident of this state to travel to attend a deposition at a place more than 50 miles from the place of service unless another convenient place is fixed by order of court; or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 50 miles one way to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) Duties in Responding to Subpoena.

(i)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(1). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

Schedule A  
To Subpoena to Daniel McLean  
(Documents to be Produced)

For the time period January 1, 2009 to September 22, 2015, please produce the following documents in your ownership or control, whether or not the documents are in your custody or the custody of another person or entity.

Documents include emails and enclosures, text messages, and notes of telephone conversations as well as hard copy documents. Emails and texts include both governmental accounts and personal accounts.

Documents:

1. All documents and communications with, concerning or regarding any of the following:
  - R.L. Vallee, Maplefields, and/or Rodolphe ("Skip") Vallee;
  - competition or lack of competition in the gasoline business;
  - collusion or cooperation in the gasoline business;
  - investigations or possible or planned investigations concerning any of the foregoing;
  - legislative hearings or possible or planned hearings concerning any of the foregoing;
  - meetings concerning any of the foregoing;
  - the Federal Trade Commission (FTC) regarding gas prices in Vermont;
  - the United States Department of Justice (DOJ) regarding gas prices in Vermont;
  - the Bailey & Glasser LLP law firm or any of its attorneys;
  - the Burlington Law Practice or Josh Simonds, Esq.;
  - Costco Wholesale Corporation (Costco);
  - lawsuits or possible or planned lawsuits concerning any of the foregoing;
  - Jacob R. Kent, Anne B. Vera, Thomas R. Mahar, Dawn M. Mahar, David C. Carter, or Barbara Carter;

2. All documents and communications about press conferences, press releases or public statements concerning gasoline prices or pricing or competition or collusion or cooperation.
3. All documents and communications with legislators or elected or public officials concerning gasoline prices or pricing, gasoline competition or collusion or cooperation, Rodolphe ("Skip") Vallee, R.L. Vallee, or Maplefields, Champlain Oil Company, Tony Cairns, S.B. Collins Co., Bruce Jolley, Wesco, Champlain Farms or David Simendinger concerning any of the foregoing.
4. All documents and communications about lawsuits or planned or possible lawsuits about any aspect of gasoline prices or pricing or competition or collusion or cooperation.
5. All documents and communications with lawyers or law firms about gasoline prices or pricing or competition or collusion or cooperation, or about lawsuits or potential lawsuits concerning any of the foregoing, including but not limited to any electronic logs or electronic or hard copy notes indicating oral communications with any lawyers or employees of these firms.
6. All documents and communications with or about the law firm Bailey & Glasser LLP or any of its lawyers, including but not limited to any electronic logs or electronic or hard copy notes indicating oral communications with any lawyers or employees of this firm.
7. All documents and communications with or about the law firm The Burlington Law Practice, PLLC or any of its lawyers, including Josh Simonds, Esq. including but not limited to any electronic logs or electronic or hard copy notes indicating oral communications with any lawyers or employees of this firm.
8. All documents and communication with or about Jacob R. Kent, Anne B. Vera, Thomas R. Mahar, Dawn M. Mahar, David C. Carter, or Barbara Carter.
9. All documents and communications with or about potential plaintiffs in any lawsuit, concerning any of the topics in Request No. 1, above.
10. All documents and communications with or about William Sorrell, concerning any of the topics in Request No. 1, above.
11. All documents and communications with or about Dean Corren, concerning any of the topics in Request No. 1, above.
12. All documents and communications with or about Ryan Kriger, concerning any of the topics in Request No. 1, above.
13. All documents and communications with or about Wendy Morgan, concerning any of the topics in Request No. 1, above.



14. All documents and communications with or about Jill Abrams, concerning any of the topics in Request No. 1, above.
15. All documents and communications with or about William Griffin, concerning any of the topics in Request No. 1, above.
16. All documents and communications with anyone in the Vermont Attorney General's office, concerning any of the topics in Request No. 1, above.
17. All documents and communications with or about Richard Mazza, concerning any of the topics in Request No. 1, above.
18. All documents and communications with or about R.L. Vallee, Inc., S.B. Collins, Inc., Champlain Oil Co., Inc. or Wesco, Inc.
19. All documents and communications about gasoline prices or pricing or completion or collusion or cooperation, with federal government employees or officials, including but not limited to any United States Senator or any member of their staff, and including, but not limited to, the Federal Trade Commission (FTC).
20. All documents and communications with United States Senator Bernard Sanders's office, including but not limited to Senator Bernard Sanders, Jane Sanders, Philip Fiermonte, Daniel McLean, Warren Gunnels, and/or Michael Briggs, concerning any of the topics in Request No. 1, above.
21. All documents and communications regarding the possible 2012 or 2018 United States Senate candidacy of Rodolphe ("Skip") Vallee or James Douglas with anyone in United States Senator Bernard Sanders' office, Jane Sanders, or any campaign staff or representatives.
22. All documents and communications with members of any media, concerning any of the topics in Request No. 1, above.
23. All documents and communications with Costco Wholesale Corporation (Costco) or its employees, agents, lawyers, or representatives.
24. All documents and communications regarding Costco Wholesale Corporation (Costco) with the Vermont District Environmental Commission or any commission representatives, or other members of agencies or bodies involved in permitting or regulating Costco gas stations or gas pumps.
25. All documents and communications related to a meeting or meetings with Senator Bernard Sanders' Office, and/or Bailey & Glasser, and/or the Vermont Attorney General's Office, on or about September 23-25, 2014.

26. All documents and communications related to a meeting or meetings with Bailey & Glasser and/or the Vermont Attorney General's Office on or about August 6, 2015.
27. All documents and communications related to a meeting or meetings with anyone representing the United States Department of Justice (DOJ), at any time.
28. All documents and communications related to any other meetings involving Bailey & Glasser, Senator Sanders' Office, Joshua Diamond, the Vermont Attorney General's Office, the FTC, and/or the United States Department of Justice (DOJ), individually or collectively.
29. All social media postings and/or messages posted or sent or forwarded or received by you, including, but not limited to, Facebook postings/messages and Twitter postings/messages ("tweets"), concerning any of the topics in Request No. 1, above, including any such material that has been deleted.
30. Any and all copies of Complaints, draft Complaints, and/or marked-up Complaints and/or other pleadings or court filings, including, but not limited to, any discussion of or participation in the allegation that the Defendants had "secret meetings."

18732175.1

JS 44 (Rev. 08/18)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Non-parties Office of United States Senator Bernard Sanders and Employee Daniel McLean's removal of Vallee subpoena in Kent, et al. v. R.L. Vallee, Inc., et al., VT Superior Court

**(b) County of Residence of First Listed Plaintiff**

(EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**

Patricia Mack Bryan, Senate Legal Counsel, 642 Hart Senate Building, Washington, D.C. 20510, 202-224-4435

**DEFENDANTS**

R.L. Vallee, Inc., et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Tristram Coffin, Esq.

Downs, Rachin, Martin PLLC

199 Main Street, Courthouse Plaza, Burlington, VT 05402-0190

**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

☒ Removal pursuant to 28 U.S.C. § 1442

**III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)**

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

Click here for: Nature of Suit Code Descriptions

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |   |
|---|--|--|---|---|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input checked="" type="checkbox"/> 890 Other Statutory Actions*<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |

\* Removal pursuant to 28 U.S.C. § 1442

**V. ORIGIN (Place an "X" in One Box Only)**

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§ 1442 and 1446

Brief description of cause:

Removal of subpoena for testimony and documents ONLY from VT Superior Court, Civil Division. Not removing entire case.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:**☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/28/18

SIGNATURE OF ATTORNEY OF RECORD

Patricia Mack Bryan

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

1011

MAG. JUDGE

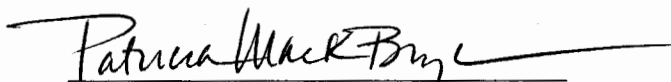
2:18-cv-201

**CERTIFICATE OF SERVICE**

I hereby certify that on November 28, 2018, I caused to be placed in U.S. Mail and delivered by fax the foregoing Notice of Removal to:

Tristram Coffin, Esq.  
Downs, Rachin, Martin, PLLC  
Courthouse Plaza  
199 Main Street  
Burlington, VT 05402-0190

*Counsel for Defendant R.L. Vallee, Inc.*

  
PATRICIA MACK BRYAN  
Senate Legal Counsel  
642 Hart Senate Building  
Washington, D.C. 20510  
Telephone: (202) 224-4435  
Fax: (202) 224-3391  
Email: [pat\\_bryan@legal.senate.gov](mailto:pat_bryan@legal.senate.gov)